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State of California, California Department of
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Department of General Services

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

FORWARD, INC.

Plaintiff,

vs.

THE STATE OF CALIFORNIA, THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
a California state agency, and THE
CALIFORNIA DEPARTMENT OF
GENERAL SERVICES, a California state
agency, and DOES 1-20, inclusive,

Defendants.

Case No. 2:23-CV-1567-DAD-DB
Judge: Hon. Dale A. Drozd

**FIRST AMENDED NOTICE OF MOTION
AND MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER JURISDICTION
PURSUANT TO FRCP 12(b)(1)**

Date: December 19, 2023
Time: 1:30 P.M.
Judge: Honorable Dale A. Drozd
Courtroom: 4

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on Tuesday December 19, 2023, at 1:30 P.M., or as soon thereafter as the matter may be heard in the above-entitled court, located at 501 I Street, Sacramento, California 95814, Defendants the State of California, California Department of Corrections and Rehabilitation, and California Department of General Services will move the court to dismiss the action pursuant to Federal Rule of Civil Procedure 12(b)(1) because the court lacks subject matter jurisdiction to adjudicate the

1 claims on the grounds that Defendants, as sovereign, are immune from suit in federal court by virtue of
2 the Eleventh Amendment to the United States Constitution.

3 The motion will be based on this First Amended Notice of Motion and Motion, the First
4 Amended Memorandum of Points and Authorities filed herewith, Declaration of Adam K. Guernsey
5 filed herewith, and the pleadings and papers filed herein.

6 DATED: October 23, 2023

HARRISON, TEMBLADOR,
HUNGERFORD & GUERNSEY LLP

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13 Attorneys for Defendants State of California,
14 California Department of Corrections and
15 Rehabilitation, and California Department of
16 General Services
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